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FILED

JAN 17 2006

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 IN THE UNITED STATES DISTRICT COURT
9
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) No. CR 05-00486 MJJ
13 v.) STIPULATION AND [PROPOSED]
14) ORDER FOR CONTINUANCE OF
15 HOWARD N. FLYNT,) COURT DATE AND EXCLUSION
16 Defendant.) OF TIME UNDER THE SPEEDY
17) TRIAL ACT, 18 U.S.C. § 3161 ET
18) SEO.

19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the court date
20 in this case, currently scheduled for Thursday, January 12, 2006 at 2:00 p.m. in San Francisco,
21 California, before Honorable Judge Martin Jenkins, may be continued to Thursday, February 16,
22 2006, at 2:00 p.m., for change of plea. The status of the case is that parties are very close to a
23 resolution of the case which will result in a change of plea. The parties are continuing to
24 investigate issues relating to the change of plea. A continuance to February 16, 2006, is requested
25 because defense counsel will be out of the country from January 20, 2006 through January 29,
26 2006, and will then start a trial on February 6, 2006. A continuance to February 16, 2006, will

allow counsel adequate time to review the plea agreement with Mr. Flynt prior to the change of plea on February 16, 2006.

The parties stipulate that the time from January 12, 2006, to February 16, 2006, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel.

DATED: January 13, 2006

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JOYCE LEAVITT
Assistant Federal Public Defender

DATED: January 13, 2006

/S/

CANDICE JAN
Assistant United States Attorney

**STIP. CONTINUING
COURT DATE**

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the court date in this case, currently scheduled for Thursday, January 12, 2006 at 2:00 p.m. in San Francisco, California, before Honorable Judge Martin Jenkins, may be continued to Thursday, February 16, 2006, at 2:00 p.m., for change of plea.

IT IS FURTHER ORDERED that the time from January 12, 2006, to February 16, 2006, shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel.

SO ORDERED.

DATED: 1-7-2003

Martin J. Jenkins
HONORABLE MARTIN J. JENKINS
United States District Judge

**STIP. CONTINUING
COURT DATE**